

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

QUINCY JACKSON,

Petitioner,

v.

JOHN D. ASHCROFT, et al.,

Respondents.

CIVIL ACTION

NO. 04-11472-NG

O R D E R

GERTNER, D. J.

On June 28, 2004, petitioner Quincy Jackson, an immigration detainee confined at the Bristol County Jail and House of Correction, filed a petition for a writ of habeas corpus under Section 2241, naming the United States Attorney General, the former Commissioner of the former Immigration and Naturalization Service,¹ and the Boston Field Director of Immigration Customs and Enforcement ("ICE") as respondents. Jackson did not submit the \$5 filing fee for this action or an application to proceed without prepayment of fees to request that the fee be waived.

ACCORDINGLY,

(1) Jackson shall pay the \$5 filing fee for this action or submit an application to proceed without prepayment of fees within forty-two (42) days of the date of this order or this case will be subject to dismissal without prejudice;

(2) The Clerk of this Court shall correct the caption of this action to reflect that Thomas Hodgson, Sheriff of Bristol County, is the sole respondent to this action. Vasquez v. Reno, 233 F.3d 688, 694 (1st Cir. 2000) (a petitioner's legal custodian is the individual having day-to-day control over the facility in which petitioner is being detained), cert. denied, sub nom. Vasquez v. Ashcroft, 122 S. Ct. 43 (2001); see Mass. Gen. Laws ch. 126 § 16 (sheriff shall have custody and control of the jails in his county.. .and shall be

¹Petitioner lists James Ziglar as the "Commissioner" of the Department of Homeland Security. The current secretary of the Department of Homeland Security is Tom Ridge.

responsible for them).;

(3) The Clerk shall serve a copy of this order and the petition by certified mail upon the respondent, Sheriff Thomas Hodgson, Bristol County Jail and House of Correction, 400 Faunce Corner Road, North Dartmouth, MA 02747; AND counsel for the Respondent: (i) the United States Attorney; AND (ii) Frank Crowley, Department of Homeland Security, Special Assistant United States Attorney, P.O. Box 8728, JFK Station, Boston, MA 02114 by certified mail AND

(4) The Respondent shall file an answer or other responsive pleading within 10 days of receipt of the petition; and

(5) The Respondent shall provide the Court with at least 48 hours advance notice of any scheduled deportation or removal of petitioner; and

(6) The Clerk shall send petitioner an Application to Proceed Without Prepayment of Fees and Affidavit.

SO ORDERED.

7/7/04
Date

s/ Nancy Gertner
United States District Judge

(2241servINS.wpd - 09/00)

[2241serv.]